

SUMMARY REPORT OF INVESTIGATION<sup>1</sup>

## I. EXECUTIVE SUMMARY

Date of Incident:	April 4, 2016
Time of Incident:	9:30am
Location of Incident:	XXX S. Homan & XXXX W. Congress Parkway
Date of COPA Notification:	April 7, 2016 & May 11, 2016
Time of COPA Notification:	9:39am & 10:00am

After being called to the scene of a domestic dispute, Chicago Police Officer, Officer A, attempted to arrest Subject 1 when his mother, Subject 2, separated her son and Officer A. Subject 1 then ran away from the scene and was apprehended a few blocks away. Subject 2 was subsequently arrested for battery to a police officer and obstructing an arrest.

## II. INVOLVED PARTIES

Involved Officer #1:	Officer A, star #XXXX, employee ID# XXXXX, Date of Appointment XXXXXX, Police Officer, Date of Birth XXXX-1962, Male, White
Involved Officer #2:	Officer B, star # XXXXX, employee ID# XXXXXX, Date of Appointment XXXXXX, Police Officer, Date of Birth – XXXX-1982 Male, Hispanic
Subject #1:	Subject 2, Date of Birth – XXXX-1972, Female, Black
Subject #2:	Subject 1, Date of Birth – XXXX-1992, Male, Black

## III. ALLEGATIONS

Officer	Allegation	Finding
Officer A	1. Pushed Subject 2 without reason or justification.	Unfounded

<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

	2. Falsely arrested Subject 2without reason or justification.	Exonerated
Unknown White Male Officer	1. Used a racial epithet on Subject 2by saying “You little nigger, you want to play the game” after she requested medical attention on. 2. Searched instead of calling a female officer during her search incident to arrest.	Not Sustained Not Sustained
Officer B	1. Head-butted Subject 1 without reason or justification.	Not Sustained
Unknown White Male Officer	1. Told Subject 1 to get his “bitch ass over here.”	Not Sustained
Multiple Unknown Male Officers:	1. Kicked Subject 1 in the side multiple times when he stopped running and gave himself up; 2. Twisted his arm back behind his back; 3. Slammed his head on the ground; 4. Called him a “bitch” multiple times.	Not Sustained Not Sustained Not Sustained Not Sustained

#### IV. APPLICABLE RULES AND LAWS

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##### Rules

1. **Rule 2** Prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
2. **Rule 6** Prohibits disobedience of any order or directive whether written or oral.
3. **Rule 8** Prohibits disrespect to or maltreatment of any person, while on or off duty.
4. **Rule 9** Prohibits engaging in unjustified verbal or physical altercation with any person, while on or off duty.

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## V. INVESTIGATION<sup>2</sup>

### a. Interviews

In an interview with IPRA on April 7, 2016, **Subject 2** testified that on the day in question she was attempting to pick up her son, Subject 1, who stays with his girlfriend and her other son, Subject 3, who periodically spends the night with his brother. She intended to drive Subject 1 to the unemployment office. She was driving Subject 1's minivan and pulled up in the alley near the back porch. The brothers came out and got in the car. As soon as Subject 1 got into the car he noticed that he did not have his book bag, which held all of his important papers, such as his social security card, and housing documents. Subject 2 stated that when Subject 1 attempted to get back in the first-floor apartment through the back door, Subject 1's girlfriend locked the back door and refused to let him in to retrieve his bag. Subject 2 said her son was knocking on the door pleading with Civilian 1 to allow him to pick up his bag.

Subject 2 told her son to stop because she knew that Civilian 1 was prone to calling the police. After about three minutes Subject 2 saw a marked police SUV drive down the adjacent alley. Subject 2 related that after seeing the police car, Subject 1 walked out of the back yard. The police exited the vehicle. In her interview, Subject 2 stated that Officer A said that they were responding to a domestic disturbance. Subject 2 did not know who this statement was directed at.

Subject 2 next said that Subject 1 was extremely agitated at the situation and angry because he could retrieve his bag from the apartment. Subject 2 stated that she walked to the police officers who came on scene and attempted to explain the situation because Subject 1 was so upset. Subject 2 told her son to go to the car. Subject 1 initially walked to the car but then walked back over toward the officers. Subject 2 stated that Subject 1 got 'really mad' and Officer A and his partner were trying to tell Subject 1 to calm down. Subject 2 kept telling Subject 1 to calm down because it seemed like he was about to start crying. She stated that Officer A then grabbed her son. Subject 1 asked why the officer was grabbing him and grew further upset.

Subject 2 stated that Officer A released her son. Subject 1 then said "forget all of ya'll", threw the car keys on the ground, and then ran off. Subject 2 testified that she does not understand why he ran away. She yelled stop running to no avail. She said that at no time did Officer A ever tell Subject 1 he was under arrest. Officer A and his partner ran after him a little then stopped. She stated that she heard Officer A give a description of Subject 1 over his police radio. She stated shortly after that multiple squad cars and police officers showed up. Subject 2 said after Subject 1 ran she went to pick up the car keys and walked back to the van.

Subject 2 stated that while she was standing by her car she started talking to an officer in a white shirt, at which point Officer A came over and stated that she was under arrest for obstruction. Subject 2 then stated that Officer A forcibly grabbed her, and placed her arms behind her back and started to touch her and pat her down. She stated that she requested a female officer to perform her pat down and was

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<sup>2</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

ignored. She told Officer A not to touch her, to not go in her pockets or disrespect her, at which point he ignored her protests and continued to pat her down.

Subject 2 described the officer as a heavy set white male about six feet tall with grey facial hair. Subject 2 stated that when officers placed her in the police vehicle she started hyperventilating and could not breathe. She asked the officer if she could go to the hospital. The transporting officer began saying things to the effect of 'here we go again, the little nigger wants to go to the hospital'. Subject 2 recalled that the comment was being made to a sergeant. She stated that after hearing the officer say this, Subject 2 told the officer that she no longer wanted to go to the hospital.

When she got to the station she stated that her legs hurt and that the officer did not pull up the seat to allow her legs to stretch<sup>3</sup>. When she got to the station she was having a hard time getting out of the squad car and that the officers called an ambulance for her. She stated that the ambulance showed up within 10 minutes and EMT's helped her out of the car, put her on a stretcher, and rolled her to the ambulance. She stated that the officers on scene were teasing her that they were all going to testify against her and that if she takes them to court it will be their word against hers.

She was transported to Saint Anthony's Hospital. She stated that she was crying a lot, and that she could not really talk to the doctors and nurses because the police officers were standing outside the door and would not leave her totally alone. She stated that an officer there was telling the hospital staff her business and downplaying her injuries saying that there was nothing wrong with her.

She then requested to go to Cook County Hospital (Stroger) because that is where her primary care physician is located. The officers denied her requests and then transported her back to the station. She states that an unknown officer tried to talk her out of going to the hospital for a second time stating that it would make her stay in lockup longer, but Subject 2 demanded to go. She was transported to Mount Sini Hospital but left before she could receive treatment because she wanted to go to court and would miss the morning police transport bus if she waited for treatment. Subject 2 was then transported back to the station. (Att. 7)

In an interview to IPRA on May 11, 2016, **Subject 1** related that on the day in question he was living with his children and girlfriend Civilian 1. His brother, Subject 3, spent the night. Subject 1 stated that his mother arrived to pick them up and take him to the unemployment office. Subject 1 related that his girlfriend was upset that morning because she found out that he was planning on moving out and did not tell her.

His mother was parked in the back part of the 2-flat residence, in the alley. Once Subject 1 was in the van, he realized that he forgot his book bag which held all his important paperwork. When Subject 1 arrived at the back door, his girlfriend refused to let him in and refused to give him his bag. Subject 1 stated that the police arrived shortly thereafter and got out of their car. Subject 1 stated that the police got out of their vehicle and immediately pointed their guns at him and told him to take his hands out of his pocket, which he complied with. At this time, Subject 1 recalled that his mother got out of the car and stood in front of the officer and with both of her hands out and said, "please don't shoot my son." Officer A then performed a search of Subject 1. At this point, Subject 1 asked Officer A if he was under arrest and Officer A stated 'no' we are just searching you. Right at this time, Subject 1's girlfriend threw his book bag out

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<sup>3</sup> Subject 2 stated that her leg pain was unrelated to her police encounter.

the back of the door. Subject 2, went to the back and started to retrieve the book bag and started arguing with the Civilian 1. Officer A ordered Subject 1 to stand back from the porch.

Subject 1 walked back to the minivan and watched as Civilian 1 and Subject 2 argued. After about two minutes Subject 1 decided to break up the argument. Officer A then aggressively grabbed Subject 1 to prevent him from going to the porch. Subject 1 stated that he then made a second attempt to stop the arguing between his mother and girlfriend.

Subject 1 stated that Officer A grabbed Subject 1 again and stated, "okay you're going to jail". Officer A's partner then intervened and told Subject 1 it's "okay". Officer A grabbed Subject 1 again and Subject 1 quickly moved his arm and broke away from Officer A's grasp. Subject 1 stated that Officer A's partner pulled out his Taser and Officer A had his hand on his gun. Subject 1 related that Officer A then made a hand gesture motioning Subject 1 to come toward him. Subject 1 stated that he replied to the hand gesture of Officer A by saying, "fuck you". Subject 1 related that Officer A then rushed towards him and Subject 1 walked backward. Subject 1 stated that Officer A told him to walk away, to which Subject 1 replied, "I'm not walking no fucking where".

Subject 1 stated that Officer A grabbed his arm again, but Subject 1 broke away. Subject 1 testified that he decided to run away. He told his mother that he was leaving by yelling, and he dropped the car keys and ran away. Subject 1 related that the police were right there, and he was never under arrest so he decided to leave. He stated he walked around the block to a playground. He stated that he heard sirens and deduced that all the police sirens he was hearing were likely for him, so he decided to walk back to his girlfriend's house.

While he was walking back to the house he was confronted by a single police officer that stated, "bring your bitch ass here", to which Subject 1 replied, "You got me fucked up, you a bitch". Subject 1 then ran through the alley. He hopped a gate to get inside the playground. He noticed multiple officers chasing him and tearing down the gate, and decided to give himself up. Subject 1 stated that even though he gave himself up, the police officers slammed his head to the ground and started kicking him and calling him a "bitch".

Subject 1 recalled that there were seven to eight officers that beat him. He related that while officers were picking him up off the ground, an officer, now known as Officer B, head butted him two times without reason or justification. He also alleges that the officer who headbutted him is the same officer that brought him back to the station. He did go to the hospital that same day, and was released back to police custody where he was processed. He further stated that he had no injuries prior to interacting with the police. (Att. 37)

In an interview with IPRA on May 11, 2016, **Subject 3**, the brother of Subject 1, related to investigators that on the day in question his mother called him to over to XXX S. Homan, where his brother's girlfriend lives and where Subject 1 often spends the night. His mother wanted Subject 3 to check up on Subject 1. Subject 3 arrived on foot through the alley in the back of the residence to see Subject 1 knocking on the first-floor window trying to get his bag. He also noticed his mother sitting in her van in the alley. Subject 3 stated simultaneously as he arrived, the police arrived.

An older white officer, now known as Officer A, and a younger Hispanic officer, now known as Officer C, got out of their car and drew their firearms on Subject 1 ordering him to get off the porch, and take his hands out of his pocket. Once Subject 1 took his hands out of his pocket Officer C holstered his weapon. Subject 3 recalled that Officer A still had his gun pointed at Subject 1 who was standing five to six feet away. At this point, Subject 2 got in-between Officer A and Subject 1. She did not push our touch Officer A she only stood in-between the two. Subject 3 also related that Officer A never told Subject 1 that he was under arrest. Officer C told Subject 1 to get back and walk away (from the porch) and Officer A demanded Subject 1 to "come here". Subject 1 responded by backing away and saying "no". Subject 3 stated that Officer A and Subject 1 were arguing back and forth at each other. Subject 3 recalled hearing Officer A say, "you're about to go to jail" and Subject 1 responded with saying "You have no reason to lock me up". Once Subject 1's mother, Subject 2, stepped in-between the two, Subject 1 ran away and multiple officers chased after him. Officer A then went to Subject 2 and arrested her for interfering with the arrest. Subject 3 did not see any officers pat down Subject 2, nor did he see any officer strike her or touch her while she was being arrested. (Att. 47)

In an interview with IPRA on May 27, 2016, **Officer A** related that on the day in question he was assigned to the 11<sup>th</sup> District, in uniform and was working routine patrol with his partner for that day, Officer C. While on patrol he related that he received a domestic call that someone was trying to kick down a back door of a residence. Officer A stated that he on scene and parked in car alley adjacent to the back of the residence. Officer A related that he observed a male on back porch, which has been identified as Subject 1. Officer A stated that Subject 1 looked in his direction and began to walk off the porch and walked through the back yard.

Officer A stated that he and Officer C then exited their vehicle to conduct a field interview to ascertain what was going on. Officer A testified that Subject 1 had his hands in his pocket while walking in the alley. Officer A stated that he ordered Subject 1 to take his hands out of his pocket. Officer A related that when Subject 1 took his hands out of his pocket he dropped a rock on the ground and then started running toward him and Officer C.

Officer A stated that at that time the caller, which has been identified as Civilian 1, came out to the back porch and engaged in a verbal altercation with Subject 2. Officer A stated that Subject 1 was trying to get on to the back porch when Officer A grabbed Subject 1 to prevent him from entering into Civilian 1's backyard. Officer A related that Subject 1 tensed up like he wanted to fight as soon as he grabbed his arm. Officer A stated that Subject 1 took a bladed stance, where Officer A thought he would be battered by Subject 1. At that point, Officer A stated that he intended to place Subject 1 into custody for assault to a police officer when Subject 1's mother, Subject 2, came in between him and Subject 1. Officer A related that Subject 2 extended her arms out to separate her son from Officer A, allowing Subject 1 to flee on foot. Officer A further related that she did not really push him. Officer A stated that since she made physical contact to him as a police officer, he decided to arrest her for obstruction of justice. Officer A recalled that she did not resist when being handcuffed and that he did not pat her down. Officer A could not recall which officer did the pat down of Subject 2.

Officer A stated that he spoke with Civilian 1 after placing Subject 2 in custody and she signed a complaint stating that Subject 1 pushed her so he arrested Subject 1 for that. Officer A related that Subject 2 may have asked to go to the hospital but he cannot recall whether an ambulance was called for her on

scene or at the station. He stated that he did not un-holster his firearm, did not use any racial slurs and did not transport Subject 2 to the hospital.

In an interview with IPRA on June 9, 2016, **Officer C** related that on the day in question he was assigned the 11<sup>th</sup> District and he was working in full uniform with Officer A. Officer C stated that the officers received a call from OEMC about a domestic disturbance. Officer C stated that when the officers arrived in the back alley of the residence he saw Subject 1 leave the backyard. Officer C stated that he noticed that Subject 1 had his hands in his pocket while leaving that yard. Officer C told Subject 1 many times to get his hands out of his pocket, to which Subject 1 failed to do. Officer C also stated that Subject 1 was irate. Officer C stated that he then unholstered his gun and pointed at the ground. Officer C stated that someone in a van parked in the adjacent alley stated words to the effect of 'you're not going to shoot my brother'.

Officer C related Subject 1 said "I ain't got shit in my pocket" and then removed his hand from his pocket dropping a rock on the ground. Officer C testified at this point, Subject 1's mother, who has been identified as Subject 2, and the initial caller, who has been identified as Civilian 1 began arguing. Officer C stated that Subject 1 attempted to run back to the porch when Officer A got in the way of him. Officer C testified that Subject 1 then got into a bladed stance in front of Officer A and bald up his fist as if he was going to fight. Officer C stated that Officer A was going to arrest Subject 1 when Subject 2 got in between the two and pushed Officer A away, thereby allowing Subject 1 to defeat the arrest and run away.

Officer C stated that he got on his radio and gave a description of Subject 1 and remembers Subject 1 being taken into custody a block or two away. Officer C remembers that Subject 2 was taken into custody for obstructing an arrest. Officer C stated that he explained why she was being arrested at the scene and at the station. Officer C recalled Subject 2 going to the hospital then the district. He was unsure which officers transported her. He did not hear her ask for any medical attention. Officer C also never heard anyone use any racial slur.

In an interview with IPRA on August 1, 2016, **Officer B**, related that on the date in question he was assigned to the 11<sup>th</sup> District on routine patrol with his regular partner, Officer D. Officer B stated that he and his partner responded to a foot chase of an offender running from a domestic. Officer B remembers a description was given and the direction of flight was also given. Once arriving at the location given Officer B saw Subject 1 running into a playground and multiple officers chasing after him. Officer B observed that Subject 1 stopped running and multiple officers surround him to the point that Officer B could not get a view of what was happening. Officer B heard officers yell and give verbal directions but could not recall specifically what was being said. He recalled Subject 1 being angry and cursing. Officer B does not remember who handcuffed Subject 1. Officer B did observe two officers walk Subject 1 to a squad car. Officer B stated that he never saw any officers punch or kick Subject 1. Officer B further related he did not hear anyone call Subject 1 a bitch and did not see Officer A at the scene.

On August 15, 2017, Officer B gave a second statement to IPRA as an accused officer. He testified almost exactly as he did before and stood on his August 1, 2016 statement. He admitted to transporting

Subject 1 to the police station, but denied head butting Subject 1, and did not see any other officer headbutt Subject 1.

In an interview with IPRA on August 1, 2016, **Officer D**, related that on the date in question he was on routine patrol in the 11<sup>th</sup> District when he heard over the radio that there was a foot chase. He and his partner decided to go to the foot chase. He arrived at a park and noticed that there were numerous officers in the park. He did not know the name or the location of the park at the time of the interview. He noticed Subject 1 on the ground surrounded by officers. He never saw Subject 1 running. He met the other officers in the park while other officers were bringing Subject 1 out. He transported Subject 1 to the station where he had no conversation with Subject 1. Officer D stated that he heard no cursing and saw no force being applied to Subject 1 at the scene or at the park. Officer D stated that when he initially arrived on scene, he got out of his car he was hanging out with other officers. Officer D further stated that he saw no injuries to Subject 1 and did not interact with Officer A.

In an interview with IPRA on August 2, 2016, **Officer E**, related to police that on the date in question he was assigned to the 11<sup>th</sup> District and was working routine patrol with Officer F. He stated that he responded to a fleeing offender call and went to assist. He went to the location given over the radio and observed Subject 1 in the alley. Officer E told Subject 1 to "come here", to which Subject 1 looked at him, ran away and hopped a fence. Officer E does not remember all the officers who were there.

By the time Officer E got over the fence, he related that other officers were already handcuffing Subject 1 who was on the ground. Officer E observed Subject 1 pulling away and making it hard for officers to handcuff him. Officer E observed two officers lead Subject 1 to a squad car. Officer E related that he saw Subject 1 shake his head violently and try to head butt the other officers that were trying to lead him to the car. Officer E did not hear any cursing during the handcuffing, he also did not notice any injuries sustained to Subject 1.

In an interview with IPRA on August 2, 2016, **Officer F**, related that on the day in question he was assigned to the 11<sup>th</sup> District on routine patrol with his partner Officer E. Officer F stated that while he was driving, a flash message came over on the police radio that there was a fleeing offender from a domestic dispute. During his interview, Officer F gave multiple locations that he and his partner drove to, in attempts of assisting in the apprehension of Subject 1. At one location, he did see Subject 1 running down an alley and hop a fence. His partner, Officer E, got out of the squad car and gave chase. Officer F lost sight of Subject 1, then drove the car around to get to the other side of the fence. Officer F felt fine with leaving his partner because other officers were there chasing after Subject 1, so his partner was not alone. When he finally got to the other side of the fence he observed officers escorting Subject 1 out of the park while handcuffed. He stated that he saw Subject 1 struggle slightly but not resist. He did not witness the handcuffing or see any Chicago Police members use any force and did not hear any cursing department members.

In an interview to IPRA on August 3, 2016, **Sergeant A**, related that he was assigned to the 11<sup>th</sup> District on 2<sup>nd</sup> watch in uniform. He responded to a domestic battery call. He stated that he was not called to the scene but he generally makes an effort to go to domestics because they are usually difficult. He arrived on the scene and observed Subject 2 standing in front of the van and Civilian 1 was standing on the back porch. Sergeant A then stated that Subject 2 started walking from the van toward the porch and that Sergeant A got in between her and the porch. Sergeant A stated that Subject 2 kept asking for a sergeant

and he kept telling her that he was a sergeant. Sergeant A related that Subject 2 was explaining her version of events of what happened while he was walking her to a police car. Sergeant A stated that as they were talking Subject 2 accused him of pushing her. Sergeant A stated in his interview to investigators that he never pushed Subject 2. Sergeant A stated that when Officer A arrived in front of them Subject 2 changed her story and said that Officer A pushed her instead. Sergeant A then related that Officer A said that Subject 2 was going to jail for making contact with a police officer. Sergeant A stated that Subject 2 denied pushing Officer A but was arrested despite her protest. Sergeant A testified that he assisted in the arrest and that Subject 2 was not resisting but she was not cooperative either. Sergeant A recalled that after Subject 2 was placed in custody she said that she was having chest pains and at the time did not want to go to the hospital. Sergeant A remembered Subject 2 saying something along the lines of "no I don't need to go to the hospital", when he asked her directly if she wanted to go to the hospital.

Sergeant A signed Officer A's Tactical Response Report and found that Officer A's actions were appropriate under department standards. Sergeant A testified that the boy in the van, Subject 3, drove away in the minivan. Sergeant A also related that Civilian 1 signed a domestic battery compliant against Subject 1. Sergeant A further testified that Subject 2 was transported to the hospital then transported back to the station. He did not witness any department member use force or curse at any member of the public.

In an interview to IPRA on August 5, 2016, **Officer G**, related that he was assigned to the 11<sup>th</sup> District and on the date in question he was in uniform working routine patrol. He stated that he heard a domestic call over his police radio and that there was a foot chase. Officer G related that it seemed like a slow day so he rolled over to the location officers gave out over the radio airway. Officer G stated that he arrived at Homan and Congress and as soon as he got out of his car Subject 1 looked at him and jumped a rod iron fence right in front of him. Officer G jumped the fence and proceeded to chase Subject 1 through a playground. Officer G related that Subject 1 finally stopped running in the playground. Officer G pulled out his Taser and ordered Subject 1 to the ground. Officer G stated that Subject 1 complied with his order and that Officer G then got on top of Subject 1's back while he was on the ground. Officer G testified that he had his Taser in his right hand with his left hand as holding Subject 1 down in between his shoulder blades. Officer G stated that Subject 1 was yelling "I didn't do shit".

Officer G stated that at this point, other officers arrived and told Officer G to get off Subject 1 so that they can effectively handcuff him, which he said he did. Officer G related that after he got off of Subject 1 other officers handcuffed him, picked him up, and walked with him out of the park. Officer G did not see any force being used to put handcuffs around Subject 1 and did not see his arm being twisted back. Officer G also testified to not hearing anyone call Subject 1 a bitch, and he stated that he did not witness anyone head-butt Subject 1. Officer G further related that Subject 1 was cooperative once he saw the taser. After this event, Officer G stated that he went to the initial scene to meet up with Sergeant A to inform him he had "cleared" his job. Officer G performed no paperwork for this incident.

In an interview to IPRA on August 22, 2016, **Officer H**, related that she was assigned to the 11<sup>th</sup> District and on the date in question she was in uniform working station security. She stated that her job was to patrol the station from potential threats to ensure safety to other officers around the station. She stated that she generally guards the station but decided to go to the fleeing offender call over her police radio because it was close to the station. She heard the description and the direction of travel of the offender. Officer H related that it took her about five minutes to get to the location and by the time she arrived it was

over. She remembered Subject 1 being handcuffed and walking out of the park. She also remembered a few officers standing around. She did not remember too much about the event because she stated it was over by the time she arrived. She did not observe anything out the ordinary or unusual and did not hear any department member use force or curse. She stated that she was there for about five minutes and then went back to her security detail. (Att. 76)

In an interview to IPRA on September 1, 2016, **Officer I**, related that he was assigned to the 11<sup>th</sup> District working routine patrol. He heard a domestic disturbance call come over the radio and that the offender was fleeing on foot. He heard a description of the offender and the direction of travel. He stated that it took him less than ten minutes to arrive on scene.

When Officer I finally arrived on scene he noticed Subject 1 on the ground surrounded by officers giving him verbal commands to stand up. He stated that Subject 1 was thrashing around moving his head and pulling away. Officer I remembered that Subject 1 was being verbally abusive toward the officers. He did not remember which officers handcuffed him or took him out of the park. He did not remember any department members use any foul language towards Subject 1 nor did he see any department member head butt or kick Subject 1. (Att. 77)

In an interview to IPRA on September 22, 2016, **Officer J**, related that on the day in question he was assigned to the 11<sup>th</sup> District and he was working routine patrol in a marked squad car. He testified that he was on his routine patrol when he heard Officer A's voice on the police radio request assistance to catch a fleeing offender. Officer J stated that he first went to the location of Officer A, Officer A told him that Subject 1 ran. Officer pursued and eventually arrived at the park where all the other officers were located. He stated that he does not remember seeing Subject 2 or Subject 1. During his interview, he looked at the Arrest Report and saw that he transported Subject 2 to the station. Officer J did not remember searching Subject 2 or speaking with her while he transported her. Officer J stated that he is the police officer other officers generally request to transport offenders because he usually has a "cage" in his car which separates the offender and the officer. At the time of the interview Officer J did not remember transporting Subject 2. (Att. 81)

### **b. Documentary Evidence**

The **CPD Original Case Incident Report** documents that the police were called to a disturbance at XXX S. Homan. The caller stated that her child's father was trying to kick down the rear door. When police arrived, they noticed Subject 1 on the back porch. Subject 1 walked off the back porch and out of the yard. Police officers then observed Civilian 1 and Subject 2 arguing on Civilian 1's back porch. Subject 1 attempted to run past officers to get to Civilian 1, when Officer A grabbed Subject 1. Subject 1 pulled away, balled up his fists, and came towards Officer A in a menacing manner. Officer A attempted to place Subject 1 under arrest, at which point Subject 2, Subject 1's mother came in between her son and Officer A, pushing Officer A away allowing Subject 1 to flee on foot. (Att. 18)

The **Medical Records** from Saint Anthony Hospital for Subject 1 indicate that he told medical personnel that he has been suffering from chronic rib pain which has been going on for months and a burning sensation and that the arrest exacerbated this. The nurse noted that Subject 1 did not appear to be in distress and was cooperative. (Att. 53)

The **Medical Records** from Saint Anthony Hospital for Subject 2 indicate that she was having trouble breathing and was panicking but felt better and did not want to be seen. (Att. 25)

The **CPD Detective Case Summary** documents the names and personal information of Subject 1, Subject 2, Civilian 1, Officer A, and Officer C. (Att. 19)

The **Tactical Response Report** states that Subject 2 attacked Officer A without a weapon and Officer A made verbal commands. (Att. 14)

The **Officer's Battery Report** documents that while in full uniform and while working routine patrol on beat XX. Officer A was threatened by the hands of Subject 2, and then placed in handcuffs. (Att. 15)

The **Officer's Battery Report** documents that while in full uniform and while working routine patrol as beat XXXX Officer A was threatened by Subject 1. (Att. 17)

The **CPD Event Query** document that on April 4, 2016, at 0901 hours, Civilian 1 called CPD and stated that her child's father is trying to kick in the back door, she also stated that he jumped on her last night and that she is pregnant. She used T-Mobile number XXX-XXX-XXXX. Beat XXXX was assigned the event. The query also documents Subject 1 running from the police to Homan and Congress, and getting subsequently captured. (Att. 22)

## VI. ANALYSIS

**Accused 1: Officer A**

**Allegation 1: Unfounded**

**Allegation 2: Exonerated**

COPA recommends a finding of **Unfounded** for **Allegations 1** against Officer A. Subject 2 alleged that Officer A pushed her without reason or justification.

In her interview with IPRA Subject 2 was very detailed in relating the actions of the officers, her sons and herself. However, the specific details of when or how she was pushed by Officer A was not elicited in her interview. It could be implied that the pushing occurred as she was being arrested by Officer A, however those details are not clear. The complainant never details the nature of the push or when it occurred. In contrast, Officer A denies ever pushing Subject 2. Moreover, both Subject 3 and Subject 1 stated that Subject 2 stepped in front of the officer but neither observed contact from either party. Therefore, based on any evidence Officer A pushed Subject 2, COPA finds that allegation 1 against Officer A is unfounded.

COPA recommends a finding of **Exonerated** for **Allegations 2** against Officer A that he falsely arrested her for obstruction of justice and battery to a police officer.

Subject 2 stated that Officer A arrested her for obstruction while she was next to her van talking to a white shirt. In her description of the events Subject 2 never stated that she got in between Officer A and Subject 1. Her omission is inconsistent with the statements of all the other eye witnesses. Subject 1, Subject 3, Officer A and Officer C each stated that Subject 2 stepped between Officer A and Subject 1.

According to Officer A and C, Subject 1 clenched his fists and moved toward them in an aggressive manner. Subject 2 then stepped between Officer A and Subject 1. Officer A and Officer C both state that contact was made between Officer A and Subject 2. Subject 3 stated that Subject 1 ran right after Subject 2 stepped in front of Officer A. It is likely that Subject 1 was about to be arrested by Officer A and that Subject 2 stepped in to prevent his arrest. Even if the Officer was not going to immediately arrest Subject 1, Subject 2 stepped in between Subject 1 and Officer A to intercede thus allowing Subject 1's escape. COPA finds Subject 2's actions provided Officer A a probable cause to arrest Subject 2 for obstruction of justice, and therefore, Allegation 2 is **Exonerated**.

**Accused 2: Unknown White Male Officer**

**Allegation 1: Not Sustained**

**Allegation 2: Not Sustained**

Similarly, COPA recommends a finding of **Not Sustained** and **Not Sustained** for Allegations 1 and 2 against an unknown male officer. Subject 2 alleges that an Unknown Male Officer (1) Used a racial epithet by saying "You little nigger, you want to play the game" after she requested medical attention; and (2) Searched her instead of calling a female officer during her search incident to arrest. Subject 2 described the officer as a heavy set white male about six feet tall with grey facial hair. She stated he transported her to the station. Officer J was the transporting officer that transported Subject 2 to the station. Officer J could not remember Subject 2 and did not recall this incident in any detail. Subject 2 also alleged that this officer made this statement to the sergeant that was on scene.

Sergeant A was the sergeant on scene and he testified in his interview with IPRA that he did not hear anyone use any racial epithets. Unfortunately, there were no body worn cameras or other independent witnesses that could verify what was said during this interaction. Because no other evidence exists besides the self-serving testimony of Subject 2, Officer J, and Sergeant A, COPA recommends a finding of **Not Sustained** for Allegation 1 against the unknown male officer.

COPA recommends a finding of **Not Sustained** for Allegation 2 against an unknown white male Officer that searched Subject 2 instead of calling a female officer during her search incident to arrest. The pertinent CPD policy, General Order G06-01-02 states that custodial searches will be conducted by a member who is the same gender as the arrestee; However, if a member of the same gender is not immediately available and officer or citizen safety is compromised absent immediate search, members will not endanger themselves or the public to comply with this requirement. Unfortunately, there is a discrepancy as to whether Subject 2 was ever searched at all. All of the officers present on scene that day either deny searching Subject 2, or fail to remember who searched her.

Subject 3 testified that he did not see any officer search his mother. Subject 2 cannot positively identify who searched her other than a uniformed police officer who is a white male. Due to all the discrepancies surrounding this allegation, COPA recommends a finding of **Not Sustained**.

**Accused 3: Officer B**

**Allegation 1: Not Sustained**

COPA recommends a finding of **Not Sustained** for **Allegation 1** against Officer B who is alleged to have headbutted Subject 1 in the face without reason or justification. At the time of his interview Subject 1 did not know the name of the officer who head butted him.

He did state, however, that the same officer that head butted him was the same officer that transported him to the station. Subject 1 also identified Officer B as the officer that headbutted him out of a six-person photo array. When questioned as a witness, and as an accused Officer B denied head butting Subject 1 and stated that he did not see any other officer headbutt Subject 1. The arrest photos of Subject 1 do not depict any bruises to Subject 1's face that would suggest he was headbutted. Subject 1 also fails to mention he was headbutted to doctors when he went to the hospital on the day of his arrest. Subject 1's chief complaint that day was rib pain that he stated had been going on for months prior to his interaction with CPD. His treating physician that day related in his medical reports that he told them his pain was mild and that Subject 1 seemed comfortable and alert. Since there is no other third-party evidence to corroborate or contradict this allegation, this allegation must be found **Not Sustained** against Officer B.

**Accused 4: Unknown White Male Officer**

**Allegation 1: Not Sustained**

COPA recommends a finding of **Not Sustained** for **Allegation 1** against Unknown Male White Officer that told Subject 1 to get his "bitch ass over here". When asked to describe what this officer looks like, Subject 1 could only respond that this officer was a big and tall white male. Subject 1 did not have a name or a badge number. The description Subject 1 gave was so vague that it could apply to multiple officers that were on scene that day. All officers interviewed denied saying these words to Subject 1. There are no other witnesses, video, or cameras that could shed more light on this allegation. Without any other evidence, COPA recommends a finding of **Not Sustained**.

**Accused 5: Unknown Male Officers**

**Allegation 1: Not Sustained**

COPA recommends a finding of **Not Sustained** against unknown male officers that kicked Subject 1 multiple times when he stopped running and gave himself up, twisted his arm back behind his back, slammed his head on the ground, and repeatedly called him a bitch. Subject 1 stated that Chicago Police officers beat him up. After his arrest, he was transported to Saint Anthony's Hospital. However, while at the hospital Subject 1 failed to mention that he had been kicked by police officers.

Pursuant to his medical records Subject 1 only complained of chronic rib pain that he had been suffering from for months. Although not dipositive, his arrest picture shows no bruises, or black eyes, or scratches, or a busted lip, or any indicator that Subject 1 may have been in a fight. The physical evidence does not suggest a fight took place. Out of all the officers interviewed only Officer G admitted to taking out his Tazer and ordering Subject 1 to the ground.

Once Subject 1 complied with Officer G's demand, Officer G admits to placing his hand in between Subject 1's shoulder blades and getting on top of his back to place handcuffs on Subject 1. There are no body worn cameras, independent witnesses or third-party footage. Due to reasons stated above COPA finds that there is insufficient evidence to sustained this allegation and therefore, this allegation must be found **Not Sustained**.

## VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

	<b>Allegation</b>	<b>Finding</b>
Officer A		
1. Used a racial epithet on Subject 2 by saying “You little nigger, you want to play the game” after she requested medical attention on.	Unfounded	
2. Searched instead of calling a female officer during her search incident to arrest.	Exonerated	
Unknown White Male Officer		
1. Head-butted Subject 1 without reason or justification.	Not Sustained	
Officer B		
1. Head-butted Subject 1 without reason or justification.	Not Sustained	
Unknown White Male Officer		
1. Told Subject 1 to get his “bitch ass over here.”	Not sustained	
2.		
3.		
Multiple Unknown Officers		
1. 1. Kicked Subject 1 in the side multiple times when he stopped running and gave himself up;	Not Sustained	
2. Twisted his arm back behind his back;	Not Sustained	
3. Slammed his head on the ground;	Not Sustained	
4. Called him a “bitch” multiple times.	Not Sustained	

Approved:

\_\_\_\_\_  
Deputy Chief Administrator 1

\_\_\_\_\_  
Date

**Appendix A**

## Assigned Investigative Staff

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<b>Squad#:</b>	X
<b>Investigator:</b>	Investigator 1
<b>Supervising Investigator:</b>	Supervisor 1
<b>Deputy Chief Administrator:</b>	Deputy Chief Administrator 1